

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK

ASSOCIATION FOR MOLECULAR  
PATHOLOGY, et al.,

Plaintiffs,

v.

UNITED STATES PATENT AND  
TRADEMARK OFFICE, et al.,

Defendants.

CASE NO. 09-CV-4515 (RWS)

**MOTION TO ADMIT COUNSEL**  
**PRO HAC VICE**

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y.  
2010 FEB -3 AM 9:06

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Michael R. Huttenlocher, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *Pro Hac Vice* of

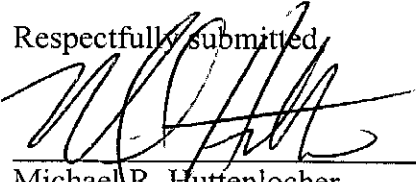
William G. Gaede, III  
McDermott Will & Emery LLP  
275 Middlefield Road, Suite 100  
Menlo Park, CA 94025  
Telephone: 650.815.7400  
Facsimile: 650.815.7401

William G. Gaede, III is a member in good standing of the Bar of the State of California. There are no disciplinary proceedings against William G. Gaede, III in any State or Federal Court.

Dated: February 2, 2010  
New York, New York

McDERMOTT WILL & EMERY LLP

Respectfully submitted,

  
Michael R. Huttenlocher  
Obiamaka P. Madubuko  
MCDERMOTT WILL & EMERY LLP  
340 Madison Avenue  
New York, NY 10173-1922  
Telephone: (212) 547-5400  
Facsimile: (212) 547-5444  
mhuttenlocher@mwe.com  
omadubuko@mwe.com

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK**

ASSOCIATION FOR MOLECULAR  
PATHOLOGY, et al.,

Plaintiffs,

v.

UNITED STATES PATENT AND  
TRADEMARK OFFICE, et al.,

Defendants.

CASE NO. 09-CV-4515 (RWS)

**AFFIDAVIT OF MICHAEL R. HUTTENLOCHER IN SUPPORT  
OF MOTION TO ADMIT COUNSEL *PRO HAC VICE***

I, MICHAEL R. HUTTENLOCHER, being duly sworn, hereby depose and say as follows:

1. I am a member of the law firm of McDermott Will & Emery LLP, attorneys herein for *Amici Curiae* BayBio, Celera, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of *Amici Curiae*'s motion to admit William G. Gaede, III as counsel *pro hac vice* to represent the *Amici Curiae* in the above-captioned matter.

2. I am a member in good standing of the Bar of the State of New York and was admitted to practice before that bar on June 20, 2006. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Gaede has been a member of the law firm of McDermott Will & Emery LLP since February 2005.

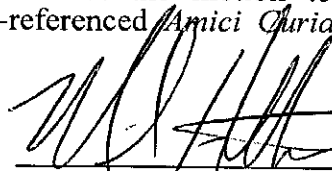
4. I have found Mr. Gaede to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to move for the admission of William G. Gaede, III, *pro hac vice*.

6. I respectfully submit a proposed order granting the admission of William G. Gaede, III, *pro hac vice*. The proposed order is attached hereto as Exhibit A.


WHEREFORE, it is respectfully requested that the motion to admit William G. Gaede, III, *pro hac vice*, to represent the above-referenced *Amici Curiae* in this matter, be granted.

Dated: February 2, 2010  
New York, New York

  
\_\_\_\_\_  
Michael R. Huttenlocher

Sworn to before me this

2<sup>nd</sup> day of February 2010.

  
\_\_\_\_\_  
Notary Public

**MONICA S ASHER**  
**Notary Public State of New York**  
**No. 02A86213906**  
**Qualified in New York County**  
**Commission Expires Nov. 23, 2013**

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK**

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v.

UNITED STATES PATENT AND  
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Defendants.

CASE NO. 09-CV-4515 (RWS)

**ORDER FOR ADMISSION  
*PRO HAC VICE*  
ON WRITTEN MOTION**

Upon the motion of Michael R. Huttenlocher, attorney for *Amici Curiae* BayBio, Celera, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc., and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name:	William G. Gaede, III
Firm Name:	McDermott Will & Emery LLP
Address:	275 Middlefield Road, Suite 100
City/State/Zip:	Menlo Park, CA 94025
Phone Number:	650.815.7400
Fax Number:	650.815.7401
Email Address:	wgaede@mwe.com

is admitted to practice *Pro Hac Vice* as counsel for *Amici Curiae* BayBio, Celera, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. This action is assigned to the Electronic Case Filing (ECF) system, and counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *Pro Hac Vice* fee to the Clerk of the Court.

Dated: February \_\_, 2010  
New York, New York

\_\_\_\_\_  
United States District Court Judge



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

## CERTIFICATE OF STANDING

January 13, 2010

### TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, WILLIAM GEORGE GAEDE, III, #136184 was admitted to the practice of law in this state by the Supreme Court of California on December 7, 1988; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Sima La Fontaine  
Custodian of Membership Records

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that, pursuant to 28 U.S.C. §1746, on Tuesday, February 2, 2010, I served upon each of the parties listed below a true and correct copy of the accompanying Motion to Admit Counsel Pro Hac Vice and Affidavit of Michael R. Huttenlocher in Support of Motion to Admit Counsel Pro Hac Vice by First Class U.S. Mail:

Christopher A. Hansen  
Aden J. Fine  
American Civil Liberties Union Foundation (NYC)  
125 Broad Street  
New York, New York 10004

Daniel B. Ravicher  
Benjamin N. Cardozo School of Law  
55 Fifth Avenue  
New York, New York 10003

Lenora M. Lapidus  
Sandra S. Park  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, New York 10004

Sabrina Y. Hassan  
Latham & Watkins, LLP  
885 Third Avenue, Suite 1000  
New York, New York 10022

Beth E. Goldman  
Ross E. Morrison  
U.S. Attorney's Office, SDNY  
86 Chambers Street  
New York, New York 10007

Brian M. Poissant  
Jones Day  
222 East 41st Street  
New York, New York 10017

Mark D. Shtilerman  
Dewey & LeBoeuf, LLP  
1301 Avenue of the Americas  
New York, New York 10019

Amy L. Katz  
Amy L. Katz, Esq.  
145 Central Park West  
New York, New York 10023

Susan B. Fogel  
Pro-Choice Alliance for Responsible Research  
5521 Murietta Avenue  
Van Nuys, California 91401

Jennifer L. Rubin  
Akerman Senterfitt, LLP  
335 Madison Avenue  
Suite 2600  
New York, New York 10017

Laura P. Masurovsky  
Finnegan Henderson Farabow Garrett  
& Dunner LLP  
901 New York Avenue, N.W.  
Washington, DC 20001

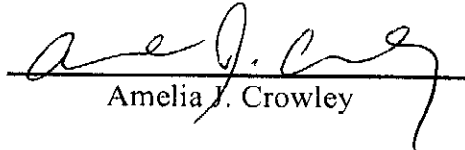
Robert Allen Scher  
Foley & Lardner, LLP  
90 Park Avenue  
New York, New York 10016



Lee Carl Bromberg  
Sunstein Kann Murphy & Timbers, LLP  
125 Summer Street  
Boston, Massachusetts 02110

Lori J. Shyavitz  
McCarter & English, LLP  
265 Franklin Street  
Boston, Massachusetts 02110

Dated: New York, New York  
February 2, 2010

  
Amelia J. Crowley